

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, DECEMBER 10, 2008

I. CALL TO ORDER/ROLL CALL

- Mayor Lin called the meeting to order at 7:00PM. All council members were in attendance: Bhardwaj, Ratzlaff, Lin, Binnie, Fulkerson.
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams, and City Attorney Paul Hagen, Police Chief Ken Thrailkill.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session was scheduled.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Fulkerson/Binnie) to approve the agenda as amended. Passed unanimously.

VI. APPROVAL OF MINUTES

October 22, 2008, 2008 cc

Motion (Binnie/Bhardwaj) to approve the minutes as corrected. Passed unanimously.

November 12, 2008 cc

Motion (Bhardwaj/Ratzlaff) to approve the minutes as corrected. Passed unanimously.

VII. COMMISSIONERS REPORTS

Binnie - Parks and Recreation, Streets

Public Works: Sebring/Tsurai Village Site drainage project is complete.

Bhardwaj – Health & Human Services, Planning

Planning: November Planning Commission meeting update.

Lin – Water, Town Hall -

Thanked the city for allowing him to serve for many years. Also thanked his wife Donna for her support, and announced his intent to continue serving the city as a volunteer. He also recognized Richard Johnson as a positive role model to follow.

VIII. STAFF REPORTS

City Manager - Albright: Noted a few highlights listed in the managers report of the packet:

- Coastal Conservancy approved the Sebring drainage project completion.
- Update on the Library/Museum road project.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Jim Cuthbertson – Trinidad

Edwards Street parking situation is still a safety hazard. Also, a letter was sent to the Coastal Commission by a resident complaining about a fence built along the bluff at State beach. The issues raised in the complaint are happening along the Wagner Trail entrance as well.

Sungnome Madrone – Fox Farm

Submitted a report to the City Council regarding a proposal to develop an alternative water supply in the upper Luffenholz Watershed.

Steve Allen – City Engineer

Congratulated and thanked Chi-Wei Lin for a successful career as Councilmember. He also briefly addressed Madrone's proposal, explained Winzler & Kelly's desire to continue serving as City Engineer, and profiled current projects underway.

Dan – Catch Café, co-owner

Asked the Council to provide local business owners an update on what's happening with the sales tax rate.

X. CONSENT AGENDA

1. Staff Activities Report through September, 2008
2. Financial Status Report through September, 2008
3. Actions to implement the 3/4 cent sales tax.

*Motion (Fulkerson/Ratzlaff) to approve the consent agenda as submitted. **Passed unanimously.***

XI. AGENDA ITEMS

1. Oath of Office for Councilwoman Julie Fulkerson and New Councilman Mike Morgan
Humboldt County Elections (County Clerk/Recorder) has certified the results of the General Election held on November 4, 2008. Councilwoman Julie Fulkerson was re-elected with a vote count of 151. Trinidad resident Mike Morgan was newly elected by a vote count of 127.

The oath of office was administered by the City Clerk.

2. Resolution 2008-24 Commending Mayor Chi-Wei Lin for his Service to the City of Trinidad
Councilmember Fulkerson explained that Mayor Chi-Wei Lin has worked tirelessly as a Trinidad City Councilman and as Trinidad's Mayor since his election in 2000. His efforts are appreciated by the citizens of Trinidad, his fellow Council members, and the Trinidad City staff. Mayor Lin's efforts will be enjoyed by the citizens for years to come.

Public comment included:

Sungnome Madrone – Fox Farm

Thanked Lin for raising the bar for how we treat each other in Trinidad.

Cindy Lindgren – Tsurai Representative

Thanked Lin for his support on the Tsurai Village Site and help securing its future.

The Council honored Chi-Wei Lin for his service and commitment to Trinidad by presenting him with 2 certificates of recognition by state representatives and read the resolution aloud.

3. Election of Mayor and the Vice-Mayor
City Manager Albright explained that the Trinidad City Council selects from its five members its Mayor and Vice Mayor. This selection is done during a public meeting the first meeting following an election. The position serves at the will of the Council, and the majority of the Council may at any time change the persons serving in those positions.

Councilmember Binnie, who currently serves as the Vice Mayor, conducted the nomination and selection process.

*1) Motion (Fulkerson/Ratzlaff) to nominate Stan Binnie for Mayor. **Passed unanimously.***

*2) Motion (Fulkerson/Ratzlaff) to nominate Kathy Bhardwaj for Mayor Pro-Tem. **Passed unanimously.***

4. Discussion of the Appointment Process for Council Member Responsibilities and New Planning Commissioners
City Manager Albright explained that members of Trinidad's City Council represent the City on various committees, boards and commissions. In addition, the Council appoints citizen members to the Planning Commission and periodically to other committees.

The City's records indicate that there have been different ways that the appointments to boards, commissions, and committees have been made. In some instances, the Mayor has simply made an appointment, sometimes with the concurrence of the Council members. In some instances, Council members have volunteered for assignments. At other times, the Council has agreed as a group after discussion.

Albright suggested that it would seem appropriate for the Council to concur (by majority) on all appointments and assigned responsibilities. It would also seem reasonable for the Mayor, as the Council's elected leader, to take the lead role either in soliciting persons from the community and/or recommending individuals for the appointments.

Council comments included:

Fulkerson: Regarding committees, it is important to recognize that we represent the city, not our own interests.

Bhardwaj: Supported continuity instead of rotating on a regular basis.

Morgan: Rotating commissionerships from time to time would be good for transparency.

Staff comments included:

City Manager Albright explained that regarding Planning Commissioner openings, there were two letters of interest submitted just after the deadline. *The Council agreed, by consensus, that the deadline should be honored and late submissions would not be considered.*

Public comments included:

Chi-Wei Lin – Trinidad

The municipal code clearly outlines the procedure for delegating commissionerships and committee appointments.

No decision was made. The Mayor will bring Planning Commission and committee appointments to the Council for consideration at the January meeting.

5. Department Report on Marijuana Cultivation Arrests/Seizures in Trinidad
City Manager Albright explained that there have been a number of search warrants executed in 2008 on Trinidad properties that were suspected of being illegal "grow houses" for the cultivation of marijuana. As a result of this high level of activity, it seemed appropriate to produce for the Council a report on what has occurred regarding this topic in Trinidad in 2008.

Police Chief Ken Thrailkill presented his powerpoint report. It included the following information:

- History of Prop 215
- Legal limits for marijuana cultivation in Trinidad – 12 immature plants, 6 mature, 8oz of processed bud.
- Legal limits for County of Humboldt
- Various case law and state law references.
- Marijuana cultivation impacts to Trinidad law enforcement, to the City, and to property owners.
- A chart illustrating 8 year trends, results of busts, and his personal concerns.

Thrailkill recommended that the Council review city policies and discuss possible needs to address cultivation within the city limits.

Council comments included:

Binnie: Of the 6 arrests made so far this year, how many had 215 certificates? Did any result in convictions? Why do growers pick Trinidad?

Bhardwaj: Concerned with the threat of home invasions that grower's pose to the city and to themselves. Thrailkill confirmed that harboring cash and weapons in a home is indeed an invitation for crime.

Fulkerson: Why do we need more legislation? Don't our current laws give law enforcement the tools to protect the city? Thrailkill speculated that Trinidad share's Arcata's problems regarding grow houses, and that prohibiting dispensaries would save the city from being a future outpost for distributors.

City Attorney Hagen confirmed that the City has the ability, through land use policy, to prohibit or regulate dispensaries, and limit growing ability in residential areas.

Public comment included:

Dan – Catch Café

It's highly unlikely that a dispensary will locate in Trinidad.

Sungnome Madrone – Fox Farm

You're looking at the symptoms, not the problem. Marijuana should be decriminalized. Alcohol prohibition didn't keep people from drinking, and it's a huge problem today. Absentee homeownership is the problem in Trinidad, not cultivation.

*No decision was made. **Councilmember Ratzlaff** explained that the public should take note that the City is taking the issue very seriously and will give the issue more consideration at a future meeting.*

6. Second Reading and Consideration of Ordinance 2008-04 – Onsite Wastewater Treatment System (OWTS)
City Manager Albright explained that since the first reading of this proposed Ordinance at the October 8, 2008 City Council meeting, the staff has not received a single comment or question from the public regarding the proposed Ordinance.

The City Planning Commission and staff have been working on the development of an Onsite Wastewater Treatment System Ordinance since 2001. There has been a lot of time, effort, and resources put into the preparation of this Ordinance. The Commission completed its work in early 2008, and it is ready for review and consideration by the Council.

Albright further explained that the adoption and implementation of the Ordinance is one of the key strategies for a number of environmentally-related issues that face Trinidad. These include the general preservation and improvement of water quality in the City; specific protection to the Trinidad Bay Area of Special Biological Significance (ASBS); protection of the bluffs and the enhancement of any efforts that work in favor of bluff stability; and diminishing public health hazards that can be associated with improperly designed, maintained, or failing septic systems.

On behalf of the City, Streamline Planning is now implementing a Clean Beaches grant whose primary purpose is to determine the cumulative impacts on water quality by septic systems in the City. It is generally accepted that the improved maintenance of septic systems, augmented by permitting and periodic testing, will go a long way toward improving water quality in Trinidad and on its beaches and in its adjacent ocean waters.

In addition to the extensive time and effort put into this proposed Ordinance by the Planning Commission, proposed Ordinance 2008-03 has been informally reviewed by some members of the Council over the years. It is apparent and understood that there are some issues associated with the proposed Ordinance that need to be addressed and agreed upon before it can be adopted and implemented. These issues are primarily administrative in nature. The intent of the Ordinance and its objective of generally improving septic systems in Trinidad as a policy objective is well addressed in the proposed Ordinance.

It is generally understood that the implementation of the Ordinance will have to be fine-tuned. The Guidelines to implement the Ordinance still include several actions that need to be worked out, and it is understood that future Council action on some of the provisions of the Guidelines will have to occur.

Council comments included:

Fulkerson: It's time to move ahead on this. Septic systems in Trinidad *must* work. Failing systems are *not* ok.

Morgan agreed.

Bhardwaj: We're required to do this – by the State. We didn't just invent it. However, I do have concerns about specific wording throughout the ordinance. I would like to see us approve a document that will be interpreted and implemented consistently in years to come.

Public comment included:

Glenn Saunders – Trinidad

We should check with other cities that have a similar program in place to find out if it works.

Jim Cuthbertson – Trinidad

Agreed with Bhardwaj. The language should be precise, and not leave room for various interpretations. This program could be expensive for homeowners.

Sungnome Madrone – Fox Farm

This has been an issue for over 28 years. Years ago, the State Parks system was going to buy up land surrounding Trinidad to protect it. This ordinance will not protect the ASBS from fecal coli forms. The soils leach too fast. It's a good step forward, but not the solution.

Richard Johnson – Planning Commission Chairman

This is a performance based ordinance targeting failing and sub-standard systems.

Kim Tays – Trinidad

I'm in favor of an ordinance protecting our bay and environment, but against one that causes an unnecessary burden on residents who have properly functioning systems.

*Motion (Fulkerson/Bhardwaj) to adopt Ordinance 2008-04. **Passed 4-0.** Morgan abstained.*

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 10:45pm.**

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Stan Binnie
Mayor